

104TH CONGRESS
2D SESSION

H.R. 1281

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day SEPTEMBER 20), 1996

Received

AN ACT

To express the sense of the Congress that it is the policy of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 The Congress finds that—

3 (1) during the 104th Congress, Americans com-
4 memorated the 50th anniversary of the conclusion of
5 the Second World War and the end of the Holo-
6 caust, one of the worst tragedies in history;

7 (2) it is important to learn all that we can
8 about this terrible era so that we can prevent such
9 a catastrophe from ever happening again;

10 (3) the cold war is over;

11 (4) numerous nations, including those of the
12 former Soviet Union, are making public their files on
13 Nazi war criminals as well as crimes committed by
14 agencies of their own governments;

15 (5) on April 20, 1995, President Clinton issued
16 Executive Order 12958, which will make available
17 certain previously classified national security docu-
18 ments that are at least 25 years old;

19 (6) that Executive Order stated: “Our demo-
20 cratic principles require that the American people be
21 informed of the activities of their Government.”;

22 (7) this year marks the 30th anniversary of the
23 passage of the Freedom of Information Act;

24 (8) agencies of the United States Government
25 possess information on individuals who ordered, in-

1 cited, assisted, or otherwise participated in Nazi war
2 crimes;

3 (9) some agencies have routinely denied Free-
4 dom of Information Act requests for information
5 about individuals who committed Nazi war crimes;

6 (10) United States Government agencies may
7 have been in possession of material about the war
8 crimes facilitated by Kurt Waldheim but did not
9 make this information public;

10 (11) it is legitimate not to disclose certain ma-
11 terial in Government files if the disclosure would se-
12 riously and demonstrably harm current or future na-
13 tional defense, intelligence, or foreign relations ac-
14 tivities of the United States and if protection of
15 these matters from disclosure outweighs the public
16 interest of disclosure;

17 (12) the disclosure of most Nazi war crimes in-
18 formation should not harm United States national
19 interests; and

20 (13) the Office of Special Investigations of the
21 Department of Justice is engaged in vital work in-
22 vestigating and expelling Nazi war criminals from
23 the United States, the records created by these in-
24 vestigations and other actions should not be dis-

1 closed, and the investigations and other actions
2 should not be interfered with.

3 **SEC. 2. SENSE OF THE CONGRESS.**

4 It is the sense of the Congress that United States
5 Government agencies in possession of records about indi-
6 viduals who are alleged to have committed Nazi war
7 crimes should make these records public.

Passed the House of Representatives September 24,
1996.

Attest:

ROBIN H. CARLE,
Clerk.